

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

JAG HEALTHCARE, INC.

and

**Cases 8-CA-39029,
8-CA-39112, and
8-CA-39113**

**SERVICE EMPLOYEES INTERNATIONAL UNION,
DISTRICT 1199 WV/KY/OH**

ORDER¹

The petition to revoke subpoena duces tecum B-559155 filed by JAG Healthcare, Inc. is granted in part and denied in part.² The petition is granted to the extent that: (1) the materials requested in paragraphs 4-6 and 38 shall be limited to information and documents regarding employees of and applicants to the Petitioner's Galion Pointe facility located in Galion, Ohio since June 1, 2010, as well as to employees of any other of the Petitioner's facilities who were transferred, were considered for transfer, or requested transfer into the Galion Pointe facility since June 1, 2010; and (2) the documents requested in paragraph 23 shall be limited to those described above, plus documents reflecting, referring or relating to Union activity by employees or employees' Union affiliation from January 1, 2010, to the present if such documents also refer to a Petitioner

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In light of the Petitioner's stipulation regarding commerce and the Region's agreement to release the Petitioner from its obligation to provide requested information related thereto, we have not considered the parties' arguments regarding subpoena paragraphs 33-37.

Further, to the extent that the Petitioner has already complied with particular paragraphs of the subpoena by producing all responsive documents in its possession or control, it is not required to produce those documents again.

representative with direct or indirect authority over the Galion Pointe facility or identify Petitioner's policies or practices regarding employees' Union activities or Union affiliation. In this regard, we find that the Region has failed to adequately articulate reasons for requesting information and documents regarding all of the Petitioner's employees and applicants from all of its facilities.³

In all other respects, the petition to revoke the subpoena is denied. The subpoena, as narrowed, seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 7, 2011

WILMA B. LIEBMAN,	CHAIRMAN
CRAIG BECKER,	MEMBER
MARK GASTON PEARCE,	MEMBER

³ Our Order is without prejudice to the Region's right to issue a new subpoena seeking additional information if the information provided by the Petitioner under the instant subpoena, as limited, proves insufficient and the Region can establish why such additional information is relevant to its investigation.